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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,706	06/26/2000	ALWIN TIMMERMANN	1247-0861-3V	9778

7590

02/26/2002

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EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 02/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/486,706

Applicant(s)

TIMMERMANN, ALWIN

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002 and 11 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,12-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,12-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The copies of the foreign references cited in the International Search Report have been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two continuous walls which are both parallel to the outer wall of the door structure (claims 1 and 15) must be shown or the feature(s) canceled from the claim(s). Note that the wall of the box structure facing the interior of the vehicle is not parallel to the wall of the box structure facing the outer wall of the door structure. Therefore, both of the walls of the box structure cannot be parallel to the outer wall of the door structure. Additionally, the means for mounting the equipment (claim 1) must be shown or the feature(s) canceled from the claim(s). The equipment support being made as a single piece (claim 6) must be shown or the feature(s) canceled from the claim(s). The body of foam (claims 8, 13 and 18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification

It is suggested that the applicant insert --structure-- following "support" on line 2 of the abstract to avoid confusion.

Claim Objections

Claims 14 and 19 are objected to because they depend from canceled claims. However, the examiner has assumed that claims 14 and 19 depend from claims 10 and 15, respectively, in order to further the prosecution of the application.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 10, 12-15 and 17-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Recitations such as "configured to define an open box-like volume" on lines 4-5 of claim 10 render the claims indefinite because it is unclear what the applicant is attempting to set forth since it is unclear if the first rigid shell structure actually defines the volume or is merely configured to define a volume. If the latter is the case, then it is unclear how an element is configured to define a volume. What shape is an element that is configured to define a volume? Recitations such as "like" on line 5 of claim 10 render the claims indefinite because it is unclear what comprises a "box-like" volume. What shape does a volume have to be in order to be characterized as "box-like"? Recitations such as "of 10" on line 1 of claim 12 are confusing since it is unclear whether or not the applicant is referring to claim 10. Recitations such as "to accommodate" on line 2 of claim 12 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the applicant attempting to set forth that the box structure is configured to accommodate the curved window therein? Recitations such as "said second shaped rigid structural member" on lines 1-2 of claim 14 render the claims indefinite because they lack antecedent basis. Recitations such as "at a closed edge" on line 2 of claim 14 render the claims indefinite because it is unclear what comprises a closed edge. How does a closed edge differ from an edge that is not closed? Recitations such as "[t]he component support assembly" on line 1 of claim 17 is confusing since the preamble of claim 15 sets forth a vehicle door rather than the component support assembly. Recitations such as "is located at an exterior of said vehicle" on line 3 of claim 20 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of a door or the combination of a door and a

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vehicle. The preamble of claim 20 implies the subcombination while the positive recitation of the vehicle on line 3 of claim 20 implies the combination. Recitations such as "a curved vehicle door window" on line 2 of claim 21 render the claims indefinite because it is unclear if the applicant is referring to the vehicle door window set forth above or is attempting to set forth another vehicle door in addition to the one set forth above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 12, 14, 15, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurihara et al. Kurihara et al. discloses a component support assembly for a vehicle door 34, comprising a rigid double-shell box structure 10, the box structure comprising a first rigid shell structure 14 and a second rigid shell structure 12, the first rigid shell structure comprising a support plate (not numbered, but seen in figure 1) configured to define an open box-like volume, the second rigid shell structure comprising a support plate (not numbered, but seen in figure 1) configured to be fixedly joined to the first rigid shell structure, such that when the first rigid shell structure and the second rigid shell structure are fixedly joined, the first rigid shell structure and the second rigid shell structure define a closed box-like volume within the rigid double shell

box structure, wherein the rigid double shell box structure is configured to fit within the vehicle door and to be fixedly attached to the vehicle door and wherein the rigid double shell box structure is configured to provide independent structural support for a plurality of vehicle door components fixedly attached to the rigid double shell box structure.

Kurihara et al. further discloses an outer panel 32, the double shell box structure is configured to fit within the perimeter of the outer panel, and an interior lining 46.

Claims 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurihara et al. Kurihara et al. discloses a door 34 for a vehicle comprising a door structure consisting of a first wall 30 and of a second wall 32 and lateral walls (not numbered, but shown in figure 7), wherein the first wall is located at an exterior of the vehicle, an equipment support 10 configured to be fixed to the door structure, and an interior trim lining 46, wherein the equipment support comprises at least one warp resistant double shell box structure, comprising a first rigid shell structure 14 and a second rigid shell structure 12, the first rigid shell structure comprising a support plate (not numbered, but seen in figure 1) configured to define an open box like volume, the second rigid shell structure comprising a support plate (not numbered, but seen in figure 1) configured to be fixedly joined to the first rigid shell structure, such that when the first rigid shell structure and the second rigid shell structure are fixedly joined, the first rigid shell structure and the second rigid shell structure define a closed box like volume within the double shell box structure, wherein a surface (not numbered, but seen in figure 8) of the box structure facing the first wall has substantially the same curvature as

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a fully retracted vehicle door window 38, and wherein an inner surface of the box structure facing towards a vehicle interior includes attachment means (not numbered, but seen as the holes disposed around the opening 22 as shown in figure 1) for mounting a plurality of devices.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurihara et al. as applied to claims 10, 12, 14, 15, 17 and 19 above, and further in view of Finch et al. Finch et al. disclose a vehicle door comprising a body of foam 11 for side impact protection.

It would have been obvious to one of ordinary skill in the art to provide Kurihara et al. with a body of foam, as taught by Finch et al., to attenuate the forces generated during side impacts.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurihara et al. as applied to claims 20 and 21 above, and further in view of Finch et al. Finch et al. disclose a vehicle door comprising a body of foam 11 for side impact protection.

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It would have been obvious to one of ordinary skill in the art to provide Kurihara et al. with a body of foam, as taught by Finch et al., to attenuate the forces generated during side impacts.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bertolini et al. is cited for disclosing a double shell box structure.

Response to Arguments

Applicant's arguments filed February 11, 2002 have been fully considered but they are not persuasive.

The applicant's comments directed to how the applicant's invention is made differently from the invention disclosed by Kurihara et al. are not persuasive. Since the applicant's claims are directed to the product of a component support assembly or a vehicle door, the patentability of the claims depends on the product rather than the process of making it. Therefore, Kurihara et al. anticipates the claims since it discloses the same product as that claimed by the applicant.

The applicant's comments with respect to Hashimoto are moot in view of the new grounds of rejection.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

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USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

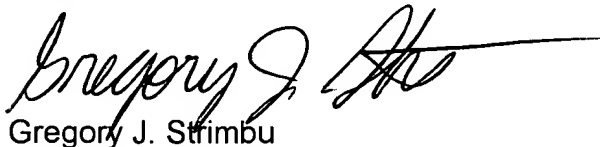
THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is (703) 305-3979. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 4:30 P.M. The fax phone number for this Group is (703) 305-3597. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
February 22, 2002